# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/767,031 | 01/29/2004 | Richard Cressman | 2003P06304 US01 | 4818 |

7590    12/21/2007

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| EXAMINER |
|---|
| PADMANABHAN, KAVITA |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2161 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/21/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/767,031 | CRESSMAN, RICHARD |
| | Examiner | Art Unit |
| | Kavita Padmanabhan | 2161 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on *27 September 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.
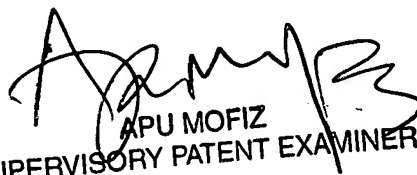
# DETAILED ACTION

1.    In view of the appeal brief filed on 9/27/07, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37.  The previously paid notice of appeal fee and appeal brief fee

can be applied to the new appeal.  If, however, the appeal fees set forth in 37 CFR 41.20 have

been increased since they were previously paid, then appellant must pay the difference between

the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing

below:

APU MOFIZ
SUPERVISORY PATENT EXAMINER

## *Status of Claims*

2.    Claims 1-20 are pending.

3.    Claims 1-20 are rejected.

## *Claim Rejections - 35 USC § 103*

4.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.      **Claims 1-8, 12-14, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **L'Heureux** (US 2003/0101193).

In regards to **claim 6, L'Heureux** teaches a method for processing application program

data for storage and retrieval employed by a processing device, comprising the steps of:

- designating a logical dataset encompassing a plurality of physical storage datasets

    (**L'Heureux; par [0026], lines 21-23** - *"Large datasets are stored on one or more of the*

    *disks 130, 140, or 150"*), each of said plurality of physical storage datasets having a

    predetermined storage capacity (**L'Heureux; par [0027], lines 7-9** – *"each of the disks*

    *has 2,000 cylinders which can be allocated for storing a database or dataset"*);

- sequentially storing data in said logical dataset (**L'Heureux; par [0027], lines 11-12** –

    *"the allocation begins with disk 130 and then proceeds to disk 140"*);

- monitoring said sequential storage of data in said logical dataset to determine an

    occurrence of data storage at a location identified by said end storage address of said first

    physical storage dataset (**L'Heureux; par [0027], lines 11-16** – *"disk 130 will be 100%*

    *filled with data from the dataset ... disk 140 will correctly show it is 50% full"* – if

**starts with disk 1 and fills it up and then proceeds to disk 2, then clearly monitoring**

**when disk 1 has reached its capacity)**; and

—  continuing said sequential storage of data in a second physical storage dataset of said

   logical dataset starting at an address subsequent to said end storage address **(L'Heureux;**

   **par [0027], lines 11-16** - *"the allocation begins with disk 130 and then proceeds to disk*

   *140 ... disk 140 will correctly show it is 50% full"*).

L'Heureux does not expressly teach maintaining an identifier identifying an end storage

address of a first physical storage dataset of said logical dataset indicating end of said

predetermined storage capacity of said first physical storage dataset.

However, since L'Heureux teaches storing a database or dataset over multiple disks with

predetermined storage capacities, it would have been obvious to one or ordinary skill in the art at

the time of the applicant's invention to implement the method of L'Heureux by maintaining

identifiers to end storage addresses in order to monitor when a disk is full and a new disk must

be used.

In regards to **claim 7**, **L'Heureux** teaches the method according to claim 6, wherein said

step of monitoring said sequential storage of data in said logical dataset includes the step of

maintaining an identifier of storage capacity used in response to storage of data in said logical

dataset **(L'Heureux; par [0026], lines 25-26** – *"determining when the combined storage limits*

*of the disks are approached"*; **par [0070]**).

In regards to **claim 8, L'Heureux** teaches the method according to claim 7, wherein said determination of said occurrence of data storage at said location identified by said end storage address of said first physical storage dataset is performed using said identifier of storage capacity used and said predetermined storage capacity of said first physical storage dataset **(L'Heureux; par [0027]; par [0070])**.

Claims 1-5 are rejected using the same rationale given for claim 6.

Claims 12-14 are rejected using the same rationale given for claims 6-8, respectively.

Claim 18 is rejected using the same rationale given for claim 6.

## *Claim Rejections - 35 USC § 103*

6.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.      **Claims 9-11, 15-17, 19, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **L'Heureux** in view of **Plow** (US 4,408,273).

In regards to **claim 9, L'Heureux** teaches the method according to claim 6.

L'Heureux does not expressly teach the end storage address comprising a relative address.

**Plow** teaches using relative byte addresses (RBAs) to address a particular storage location **(Plow; col. 1, lines 32-36)**.

It would have been obvious to one or ordinary skill in the art at the time of the applicant's invention to implement the method of L'Heureux using relative addresses as a way to address storage locations.

In regards to **claim 10, L'Heureux** teaches the method according to claim 6.

L'Heureux does not expressly teach at least one physical storage dataset comprising an IBM virtual storage access method entry sequenced dataset (VSAM ESDS).

**Plow** teaches using VSAM ESDS for data set storage **(Plow; col. 2, line 66 – col. 3, line 4; col. 5, lines 11-29)**.

It would therefore have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of L'Heureux using at least one VSAM ESDS to access the stored data **(Plow; col. 2, line 56 – col. 3, line 4)**.

In regards to **claim 11, L'Heureux** teaches the method according to claim 6.

L'Heureux does not expressly teach said identifier identifying an end storage address comprising a pointer.

**Plow** teaches using pointers to identify a particular storage location **(Plow; col. 1, lines 32-36)**.

It would have been obvious to one or ordinary skill in the art at the time of the applicant's invention to implement the method of L'Heureux using pointers as a way to identify storage locations.

**Claims 15 and 20** are each rejected using the same rationale given for claim 9.

**Claims 16 and 19** are each rejected using the same rationale given for claim 10.

**Claim 17** is rejected using the same rationale given for claim 11.


### *Response to Arguments*

8.      Applicant's arguments with respect to the prior art rejections of the claims have been considered but are moot in view of the new ground(s) of rejection.


### *Conclusion*

9.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan                                    December 18, 2007
Assistant Examiner
AU 2161

APU MOFIZ
SUPERVISORY PATENT EXAMINER